

#229

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CHARLES EVANS WHITTAKER U.S. COURTHOUSE  
400 EAST NINTH STREET  
KANSAS CITY, MISSOURI 64106

Chambers of  
Gary A. Fenner  
District Judge

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November 9, 2007

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RE: Vas-Cath, Inc. v. Curators of the University of Missouri, et al., Case No. 05-0400-CV-W-GAF

Dear Counsel:

The Court has received and considered Plaintiff Vas-Cath Incorporated's ("Plaintiff") Status Report (Doc. #78) and Defendant Curators of the University of Missouri's ("Defendant") response thereto. (Doc. #79). Under the circumstances, the Court will consider the remaining issues in Defendant's Motion to Dismiss for Lack of Personal Jurisdiction and for Failure to State a Claim. (Doc. #37). The Court requires no further briefing on those issues at this time. When the Court has decided the above remaining issues, it will consider a scheduling order and resolution of issues relating to scope of review and availability of a jury trial.

Defendant also indicates in its response that Plaintiff no longer considers the individually named defendants, consisting of ten individuals in their official capacity as members of the Board of Curators and a student representative to the Board of Curators, part of its case against Defendant. (Doc. #79, p.3). Plaintiff is directed to notify the Court of its response to Defendant's statement within five (5) days of the date of this Letter. If the Court does not hear from Plaintiff within that period, it will dismiss Plaintiff's claims against the individually named defendants.

Thank you for your cooperation.

Very truly yours,

s/ Gary A. Fenner

Gary A. Fenner